

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
<u>M.A. (C) No.948/2007</u>		
APPELLANTS/ CLAIMANTS BEFORE THE TRIBUNAL	1.	Smt. Jhuniya Bai, W/o Late Suklal Kumhar aged about 38 years.
	2.	Ku. Tinkeshwari D/o Late Suklal Kumkhar abed about 13 years.
	3.	Ku. Linkesh @ Likeshwari D/o Late Suklal Kumkhar aged about 10 years.
	4.	Ku. Chitrekha, D/o Late Suklal Kumkhar aged about 5 years.
		Appellants No. 2 to 4 are minors guardian through their mother Smt. Jhuniya Bai.
	5.	Smt. Budhiya W/o Late Ramprasad Kumhar, aged about 65 years, All R/o Village Mundra, Post : Mundra, P.S. Abhanpur, District Raipur (C.G)
	6.	Ku. Bharti @ Rekha Kumhar, D/o Late Suklal Kumhar, aged about 2 months.
		Minor Guardian Mother Smt. Jhuniya Bai W/o Late Suklal Kumhar of Village : Mundra Post : Mundra P.S. Abhanpur, District Raipur (C.G.)
<u>VERSUS</u>		
RESPONDENTS	1.	Sahabuddin Sekh, S/O Nuru Salam Sekh, aged about 35 years, R/o Kedar Road Govhati (Assam) Truck Driver.
	2.	Rajesh Gautam, S/o Bhawar Lal Gautam, R/o Gautam Auto Works, Nayapara, District Sambalpur (Orissa)

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सामला क्रमांक MAC) No. 948/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
			Owner of the Truck No. OR 15 G/6199.
	3.		The New Insurance Co. Ltd., Through : Branch Manager, Bikaner, Post Bikaner, (Rajasthan) Through : Divisional Manager, The New Indian Insurance Co. Limited Madina Building Kachahri Chowk Raipur (C.G.)
<u>Appeal under Section 173 of Motor Vehicle Act, 1988</u>			
<u>DB.: HON'BLE SHRI L.C. BHADOO, J. &</u>			
<u>HON'BLE SHRI SUNIL KUMAR SINHA, J.</u>			
<u>ORAL ORDER</u>			
<u>(17.08.2007)</u>			
<u>L.C. Bhadoo, J:</u>			
Shri C.R. Sahu, Counsel for the appellants.			
Shri Sudhir Agrawal, Counsel for respondent No.3			
Heard on I.A. No.01 for condonation of delay.			
As per office report, there is delay of 32 days in filing this appeal.			
For the reasons stated in the application, the application is allowed.			
Delay is condoned.			
The appeal is admitted for consideration.			

मामला क्रमांक MA(C)-948/07 सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Heard learned counsel for the appellants as also for respondent No.3 for final disposal of this appeal. Learned counsel for the appellants submits that the only grievance of the appellants is that the age of the deceased was 45 years at the time of accident, which has been mentioned in the last line of Para 11. The Tribunal has recorded its finding, holding that the age of the deceased was 45 years at the time of accident, but the multiplier of 12 has been applied, whereas, as per the second schedule of Section 163-A annexed with the Motor Vehicles Act, a multiplier of 15 ought to have been applied. On the other hand, Shri Sudhir Agrawal, counsel for respondent No.3 submitted that the correct multiplier applicable to the present case is 13 and not 15. Admittedly, the Tribunal has applied a wrong multiplier. A perusal of the second Schedule shows that the victims whose age is in between 42 and 45 years at the time of accident, multiplier of 15 has to be applied, therefore, the finding of the Tribunal applying multiplier of 12 is not sustainable being contrary to the second schedule, as the age of deceased was 45 years at the time of accident. In this view of the matter, we are of the opinion that the correct multiplier applicable in the present case is 15.	

मामला क्रमांक MA(C) - 948/02 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
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	Accordingly, applying multiplier of 15, the claimants are entitled to Rs.36,000/- more in addition to the amount already awarded by the Tribunal alongwith the interest from the date of application filed before the Tribunal. For the foregoing reasons, the appeal is allowed and the award of the Tribunal is modified to the extent indicated above.	
	Sd/- L.C. Bhadoo Judge	Sd/- Sunil Kumar Sinha Judge

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